

**MINUTES OF THE MEETING
OF THE
BOARD OF PHYSICAL THERAPY
October 30, 2006**

CALL TO ORDER

Dr. Wayne Stuberg, Chairperson, called the meeting of the Board of Physical Therapy to order at 9:10 a.m., October 30, 2006 in Conference Room 6-Y, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda ten (10) days prior to the meeting and positing the agenda at the entrance of the Department of Health and Human Services Regulation and Licensure at least twenty-four (24) hours prior to the meeting.

Roll Call

The following board members and State of Nebraska staff members were present:

Wayne Stuberg, Chairperson, Professional Member
Kent Dunovan, Professional Member
Susan Jeffrey, Secretary, Professional Member
Raymond Frew, Public Member

Diane Hansmeyer, Section Administrator
Patty Pierson, Credentialing Coordinator
Irene Eckman, Credentialing Specialist
Julie Agena, Assistant Attorney General
Loretta Bennett, Investigator
Steve O'Brien, Investigator

LaDonna Shippen, Policy Analyst and Regulation Coordinator
(arrived 11:55 a.m., exited 12:20 p.m.)

Adoption of the Agenda

Jeffrey moved, seconded by Frew to adopt the agenda. Voting aye: Stuberg, Jeffrey, Frew, and Dunovan. Voting nay: none. Motion carried.

Approval of Minutes

Dunovan moved, seconded by Jeffrey to approve the minutes of the August 14, 2006 and September 14, 2006 meetings. Voting aye: Frew, Dunovan, Stuberg, and Jeffrey. Voting nay: none. Motion carried.

INVESTIGATIONAL REPORTS (Closed Session)

Closed Session

Stuberg moved, seconded by Jeffrey to go into closed session at 9:13 a.m. for the purpose of hearing investigational reports and for protection of the reputation of individuals. Voting aye: Frew, Dunovan, Stuberg, and Jeffrey. Voting nay: none. Motion carried.

Bennett and O'Brien left the meeting at 10:30 a.m.

Out of Closed Session

Stuberg moved, seconded by Dunovan to come out of closed session at 10:50 a.m.

Voting aye: Stuberg, Jeffrey, Frew, and Dunovan. Voting nay: none. Motion carried.

Eckman entered the meeting at 10:55 a.m.

APPLICANT LICENSURE

Stuberg moved, seconded by Jeffrey that pending successful passage of their licensure examination and jurisprudence examination that Rakhi Nandaram and Michael James Jacobs be approved for physical therapy licensure. Voting aye: Frew, Dunovan, Stuberg, and Jeffrey. Voting nay: none. Absent and not voting: none. Motion carried.

LANGUAGE REGARDING EMPLOYMENT

Hansmeyer presented information regarding employment of physical therapists in the State of Maryland. Maryland's Physical Therapy Act allows physical therapists' to enter into agreements or employment relationships with other professionals as long as that relationship does not impede the physical therapist's exercise of independent judgment in the treatment of a patient or cause the physical therapist to practice physical therapy contrary to the Maryland Physical Therapy Act. No action was taken.

ACCEPTABLE CONTINUING EDUCATION

Captain Scott Jones, USAF, DPT asked whether the successful completion of the Certified Strength and Conditioning Specialist (CSCS) Certification counted as acceptable continuing education in the State of Nebraska. The Board of Physical Therapy will recognize the CSCS certification because it is germane to the practice of physical therapy. Stuberg volunteered to conduct research to bring back to the board so the board can make an informed decision as to how many hours should be allowed for the CSCS certification.

SUPERVISION QUESTION

Tiffany Harrahill asked if a physical therapist assistant could treat a patient who was evaluated by a physical therapist the day before if the physical therapist was available by phone to conference with the physical therapist assistant regarding the patient and patient's evaluation. The physical therapist would come in to see the patient after five treatments or seven days, whichever came first. The board said that, yes, based on our current regulations, the scenario as presented would be allowable.

Bennett entered the meeting at 11:15 a.m.

Bennett left the meeting at 11:17 a.m.

Eckman left the meeting at 11:20 a.m.

Closed Session

Jeffrey moved, seconded by Stuberg to return to closed session at 11:17 to discuss additional investigational information and to protect the reputation of individuals. Voting aye: Dunovan, Frew, Stuberg, and Jeffrey. Voting nay: none. Absent and not voting: none. Motion carried.

Our of Closed Session

Jeffrey moved, seconded by Dunovan to come out of closed session at 11:19 a.m. Voting aye: Stuberg, Jeffrey, Dunovan, and Frew. Voting nay: none. Absent and not voting: none. Motion carried.

REGULATION REVIEW

Shippen entered the meeting at 11:25 a.m.

Discussion from Regulation Meetings

The board discussed concerns expressed and comments by physical therapists and physical therapist assistants regarding the proposed draft regulations at recent state-wide meetings (Attachment A). The concerns and comments included fine-wire electromyography, tasks which may be performed by a physical therapy aide, and supervision of physical therapist assistants. The board addressed the concerns and the implication for practice that will result with the proposed draft regulations.

The board anticipates that a public hearing will occur sometime in February. A board meeting to discuss any comments from the public hearing will be scheduled afterwards. After the Attorney General and the Governor approve the proposed draft regulations the draft regulations will become effective. This is anticipated to occur the summer of 2007.

Shippen exited the meeting at 12:00 p.m.

On-going Regulation Review

The board discussed the possibility of requiring licensees to retake the Nebraska Law Exam also known as the Jurisprudence Exam every third renewal period beginning with the 2010 renewal period. There would be no cost to the licensees. The exam will be accessible on the state's website. The board will revise the proposed draft regulations to reflect that CSCS certification is an acceptable form of continuing education. The rules and regulations will also be amended to include American Physical Therapy Association (APTA) Residency and/or Fellowship Program(s) as additional options for acceptable continuing education hours as decided at the February 13, 2006 meeting.

Dunovan moved, seconded by Jeffrey that the proposed draft regulations 137-008 #1 be amended to read that a physical therapist may supervise no more than two physical therapist assistant's at any point in time during the Physical Therapist's work day. Voting

aye: Stuberg, Jeffrey, Dunovan. Voting nay: Frew. Absent and not voting: none.
Motion carried.

Stuberg moved, seconded by Jeffrey to adopt the proposed draft physical therapy regulations as amended. Voting aye: Frew, Dunovan, Stuberg, and Jeffrey. Voting nay: none. Absent and not voting: none. Motion carried.

Stuberg volunteered to write a cover letter to all licensed physical therapists and certified physical therapist assistants regarding the proposed draft physical therapy regulations and highlighting the changes. This letter will be sent prior to the November 27, 2006 board meeting and inform them that the proposed draft regulations will be posted on the website. Responses for consideration at that meeting will need to be directed to Diane Hansmeyer before Friday, November 24, 2006.

Maryland's Definition of "Treatment Visit"

The State of Maryland had a situation regarding the definition of "treatment hours" that went all the way to the Court of Appeals. Because of that situation, the State of Maryland put into its Standards of Practice regulations the following definition:

Clinical Treatment Hour - means an hour in which physical therapy services are provided at some point during the hour.

Hour means a 60-minute increment during a calendar day which is calculated by dividing a day into consecutive 60-minute increments beginning when the day's first physical therapy service starts and ending when the last physical therapy service terminates, the last consecutive increment of which may be a fraction of an hour. No action was taken.

OLD BUSINESS

Uniform Licensing Law (ULL)

Hansmeyer distributed the section from the ULL rewrite regarding statute changes that may affect the Physical Therapy Practice Act (Attachment B). She requested that the board members review the changes. If any member had any concerns, he or she should bring said concerns to the attention of the other board members and staff for discussion.

All Boards' Members Meeting

The purpose of the All Health Care Related Board Meetings is to provide an opportunity for board member development and dialogue on current topics of common interest to board members. The Credentialing Section Administrators are interested in each board's input on topics for future meetings, best time of the year and location for these meetings, and ideas on increasing participation by board members. Hansmeyer distributed an All Health Care Related Board Meeting Survey to the board members and the board provided its input to this survey for consideration by the Credentialing Division (Attachment C).

NEW BUSINESS

Approval of Commission on Accreditation of Physical Therapy (CAPTE) Programs

Stuberg moved, seconded by Jeffrey to approve the May 23, 2006 CAPTE listing of approved Physical Therapy programs. Voting aye: Stuberg, Jeffrey, Frew, Dunovan. Voting nay: none. Absent and not voting: none. Motion carried.

Federation of State Boards of Physical Therapy (FSBPT) Membership Dues

The Federation of State Boards of Physical Therapy dues are due and payable by January 15, 2007 (Attachment D). Dues are calculated based on the number of physical therapists and physical therapist assistants at a rate of \$.75 per licensee. Currently in Nebraska there are 1342 licensed physical therapist and 436 physical therapist assistants. An annual membership fee of \$500 is added for a total of \$1833.50. Stuberg moved and Jeffrey seconded a motion to approve the total amount of dues due to the FSBPT. Voting aye: Stuberg, Jeffrey, Frew, and Dunovan. Voting nay: none. Absent and not voting: none. Motion carried.

MISCELLANEOUS

The next Board of Physical Therapy meeting has been scheduled for 9 a.m. on November 27, 2006 in Lincoln, Nebraska.

ADJOURNMENT

Dr. Wayne Stuberg adjourned the meeting of the Board of Physical Therapy at 2:32 p.m.

Respectfully submitted by: _____
Raymond Frew, Secretary

Prepared by: Patty Pierson, Credentialing Coordinator